



U.S. House of Representatives Committee on the Judiciary F. James Sensenbrenner, Jr., Chairman

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News Advisory

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Sensenbrenner House Floor Statement on USA PATRIOT Act Reauthorization Legislation

WASHINGTON, D.C. – House Judiciary Committee Chairman F. James Sensenbrenner, Jr. (R-Wis.) delivered the following remarks during today’s House debate on reauthorizing expiring provisions of the USA PATRIOT Act.

Mr. Chairman, I rise in strong support of H.R. 3199, the “USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005.”

The attacks of September 11, 2001 tragically affirmed the urgency of updating America’s laws to address the clear and present danger presented by international terrorism. On that day, foreign terrorists maliciously and without provocation attacked the United States, murdered thousands of our citizens, and destroyed symbols of our freedom in a failed effort to break the spirit and resolve of the American people. We must also recall that these terrorists exploited historic divisions between America’s law enforcement and intelligence communities that had limited the dissemination of vital and timely information and increased America’s vulnerability to terrorist attack.

In the wake of the 9/11 atrocities, broad bipartisan majorities in both Houses of Congress passed the PATRIOT Act to lower the wall that prohibited our law enforcement and intelligence communities from effectively sharing information, and to enhance investigatory tools necessary to assess, detect, and prevent future terrorist attacks. U.S. law enforcement and intelligence authorities have utilized expanded information sharing provisions contained in the PATRIOT Act to gain critical knowledge of the intentions of foreign-based terrorists *before* they occur, while preempting gathering terrorist threats at home.

While the PATRIOT Act and other antiterrorism initiatives have helped avert additional attacks on our soil, the threat has not receded. Exactly two weeks ago, innocent citizens in London were murdered in a series of ruthlessly coordinated attacks. Earlier today, it appears that the London subway system came under renewed attack. Last year, the Madrid bombings brought unprecedented terror to the people of Spain, and ongoing terrorist operations around the globe demonstrate the imperative for continued vigilance.

When the House Judiciary Committee reported the PATRIOT Act in October of 2001, I pledged to rigorously examine its implementation and the conduct of the war against terrorism.

In my words and actions as Committee Chairman, I have maintained this commitment and emphasized the importance of better protecting our citizenry from terrorist attack, while at the same time preserving the values and liberties that distinguish us as Americans. The legislation we consider today reflects this careful balance.

H.R. 3199 is based on four years of comprehensive, bipartisan oversight consisting of hearing testimony, Inspector General reports, briefings, and oversight letters. Since April of this year alone, the Committee has received testimony from 35 witnesses during 12 hearings on the PATRIOT Act. This extensive hearing and oversight record has demonstrated that the PATRIOT Act has been an effective tool against terrorists and other criminals. Of no less importance, and notwithstanding the vague and general suspicion expressed by some of its detractors, the record also shows that there is *no evidence* that the PATRIOT Act has been abused to violate Americans' civil liberties.

To further allay the concerns expressed by some, H.R. 3199 makes important revisions to Section 215 of the PATRIOT Act, which pertains to "business records" obtained through the Foreign Intelligence Surveillance Act – or "FISA." I would note that Section 215 is probably the most misunderstood and misrepresented provision of the PATRIOT Act. H.R. 3199 clarifies that the information likely to be obtained through a FISA warrant must relate to *foreign* intelligence information *not* concerning a U.S. person, or must be information pertaining to an ongoing international terrorism investigation or clandestine intelligence activities. The legislation also explicitly clarifies that a section 215 order will issue only "if the judge finds that the requirements have been met," and provides a judicial review process to authorize a court to set aside a section 215 order that has been challenged. Contrary to the unfounded allegations of some, there is no evidence that a single section 215 order has been served on any library.

The Judiciary Committee conducted a nearly 12-hour markup of this legislation at which 43 amendments were offered and debated. The reported version of the legislation extends for 10 years the sunset on sections 206 and 215 of the PATRIOT Act. Section 206 pertains to "roving wiretaps" under FISA. This crucial provision updates the law to reflect contemporary communications technology by making a suspected terrorist, rather than a communications device, the proper target of a wiretap. This sunset provision was approved by the Committee by an overwhelming bipartisan vote of 26-2. However, while the legislation sets expiration dates on certain provisions of the PATRIOT Act, congressional oversight of the entire PATRIOT Act must be perpetual.

Let me conclude with the following point: for too long, opponents of the PATRIOT Act have transformed it into a grossly distorted caricature that bears no relation to the legislation itself. The PATRIOT Act has been misused by some as a spring board to launch limitless allegations that are not only unsubstantiated, but false and irresponsible. Our constituents expect and deserve substantive consideration of this vital issue, and I hope today's debate reflects the bipartisan seriousness the issue demands.

Mr. Chairman, the security of the American people is the most solemn responsibility entrusted to Congress. Passage of the "USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005" is vital to maintaining the post-9/11 law enforcement and intelligence reforms that have reduced America's vulnerability to terrorist attack. We must never return to the pre-9/11 mind set that ignores the painful lessons of that day, as well as the tragic experiences of our friends and allies. I urge my colleagues on both sides of the aisle to support this vital legislation.

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